

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

## SENATE BILL NO. 5

## AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues from traffic violations, with an existing penalty provision.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Section 302.341, RSMo, is repealed and one new  
2       section enacted in lieu thereof, to be known as section 302.341,  
3       to read as follows:

4       302.341. 1. For purposes of this section, the following  
5       terms mean:

6       (1) "Annual general operating revenue", revenue that can be  
7       used to pay any bill or obligation of a city, town, or village,  
8       including general sales tax, general use tax, general property  
9       tax, fees from licenses and permits, fines, bond forfeitures, and  
10       penalties. Annual general operating revenue does not include  
11       designated sales or use taxes, user fees, grant funds, or other  
12       revenue designated for a specific purpose;

13       (2) "Traffic violation", a moving violation as defined in  
14       section 302.010, a violation of the traffic ordinances of a city,  
15       town, village, or county, or a violation of the state vehicle  
16       laws.

1        2. If a Missouri resident charged with a moving [traffic]  
2 violation as defined in section 302.010 of this state or any  
3 county or municipality of this state fails to dispose of the  
4 charges of which the resident is accused through authorized  
5 prepayment of fine and court costs and fails to appear on the  
6 return date or at any subsequent date to which the case has been  
7 continued, or without good cause fails to pay any fine or court  
8 costs assessed against the resident for any such violation within  
9 the period of time specified or in such installments as approved  
10 by the court or as otherwise provided by law, any court having  
11 jurisdiction over the charges shall within ten days of the  
12 failure to comply inform the defendant by ordinary mail at the  
13 last address shown on the court records that the court will order  
14 the director of revenue to suspend the defendant's driving  
15 privileges if the charges are not disposed of and fully paid  
16 within thirty days from the date of mailing. Thereafter, if the  
17 defendant fails to timely act to dispose of the charges and fully  
18 pay any applicable fines and court costs, the court shall notify  
19 the director of revenue of such failure and of the pending  
20 charges against the defendant. Upon receipt of this  
21 notification, the director shall suspend the license of the  
22 driver, effective immediately, and provide notice of the  
23 suspension to the driver at the last address for the driver shown  
24 on the records of the department of revenue. Such suspension  
25 shall remain in effect until the court with the subject pending  
26 charge requests setting aside the noncompliance suspension  
27 pending final disposition, or satisfactory evidence of  
28 disposition of pending charges and payment of fine and court

1 costs, if applicable, is furnished to the director by the  
2 individual. The filing of financial responsibility with the  
3 bureau of safety responsibility, department of revenue, shall not  
4 be required as a condition of reinstatement of a driver's license  
5 suspended solely under the provisions of this section.

6 [2.] 3. If any city, town, or village[, or county] receives  
7 more than thirty percent of its annual general operating revenue  
8 from fines, bond forfeitures, and court costs for traffic  
9 violations, including amended charges from any traffic violation,  
10 occurring within the city, town, or village, [or county,] all  
11 revenues from such violations in excess of thirty percent of the  
12 annual general operating revenue of the city, town, or village[,  
13 or county] shall be sent to the director of the department of  
14 revenue and shall be distributed annually to the schools of the  
15 county in the same manner that proceeds of all penalties,  
16 forfeitures and fines collected for any breach of the penal laws  
17 of the state are distributed. The director of the department of  
18 revenue shall set forth by rule a procedure whereby excess  
19 revenues as set forth above shall be sent to the department of  
20 revenue. Any city, town, or village that participates in the  
21 distribution of local sales tax in sections 66.600 to 66.630  
22 shall not receive any amount of moneys to which the city, town,  
23 or village would otherwise be entitled to receive to the extent  
24 that the municipality receives more than thirty percent of its  
25 annual general operating revenue from fines, bond forfeiture, and  
26 court costs for traffic violations, including any amended charges  
27 from any traffic violation, occurring within the city, town, or  
28 village. Such local sales tax revenues shall remain in the

1 county sales tax trust fund and shall be distributed annually to  
2 the cities, towns, or villages not prohibited from receiving the  
3 funds under this subsection in the same manner that sales tax  
4 revenues collected under sections 66.600 to 66.630 are  
5 distributed. Beginning January 1, 2016, the above percentages  
6 shall be reduced from thirty percent to twenty percent and  
7 beginning January 1, 2017, the above percentages shall be reduced  
8 from twenty percent to ten percent, unless any city, town, or  
9 village has a fiscal year beginning on any date other than  
10 January first, in which case such reductions shall begin on the  
11 first day of the immediately following fiscal year. If any city,  
12 town, or village[, or county] disputes a determination that it  
13 has received excess revenues required to be sent to the  
14 department of revenue or sales tax proceeds that must remain in  
15 the county sales tax trust fund, such city, town, or village[, or  
16 county] may submit to an annual audit by the state auditor under  
17 the authority of Article IV, Section 13 of the Missouri  
18 Constitution. An accounting of the total revenues from fines,  
19 bond forfeitures, and court costs for traffic violations,  
20 including amended charges from any traffic violation, occurring  
21 within the city, town, or village and the percent of annual  
22 general operating revenue from fines, bond forfeitures, and court  
23 costs for traffic violations, including amended charges from any  
24 charged traffic violation, occurring within the city, town, or  
25 village[, or county] and charged in the municipal court of that  
26 city, town, or village[, or county] shall be included as an  
27 addendum to [in] the [comprehensive] annual financial report  
28 submitted to the state auditor by the city, town, or village[, or

1 county] under section 105.145. Upon receipt of the addendum as  
2 described above, the auditor shall notify any city, town, or  
3 village required to remit excess revenues according to the terms  
4 of this section that such city, town, or village shall remit  
5 excess revenues to the director of the department of revenue  
6 within sixty days and shall notify the director of the department  
7 of revenue of the same. Any city, town, or village[, or county]  
8 which fails to make an accurate or timely report, or to send  
9 excess revenues from such violations to the director of the  
10 department of revenue by the date on which the report is due to  
11 the state auditor shall suffer an immediate loss of jurisdiction  
12 of the municipal court of said city, town, or village[, or  
13 county] on all traffic-related charges until all requirements of  
14 this section are satisfied. Any rule or portion of a rule, as  
15 that term is defined in section 536.010, that is created under  
16 the authority delegated in this section shall become effective  
17 only if it complies with and is subject to all of the provisions  
18 of chapter 536 and, if applicable, section 536.028. This section  
19 and chapter 536 are nonseverable and if any of the powers vested  
20 with the general assembly under chapter 536 to review, to delay  
21 the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2009,  
24 shall be invalid and void.

25 4. All revenue from fines, bond forfeitures, and court  
26 costs for traffic violations, including amended charges from any  
27 traffic violation, occurring on the interstate highway system  
28 that would otherwise be considered annual general operating

1 revenue within the city, town, or village, shall be sent to the  
2 director of the department of revenue and shall be distributed  
3 annually to the schools of the county in the same manner that  
4 proceeds of all penalties, forfeitures, and fines collected for  
5 any breach of the penal laws of the state are distributed. The  
6 director of the department of revenue shall set forth by rule a  
7 procedure whereby such revenues as set forth in this section  
8 shall be sent to the department of revenue.

9 5. Any city, town, or village found to have failed to remit  
10 excess revenues to the director of the department of revenue  
11 under the terms of subsection 3 of this section:

12 (1) Shall not receive any amount of moneys to which the  
13 city, town, or village would otherwise be entitled to receive  
14 from revenues from local sales tax as defined in section 32.085  
15 to the extent that the municipality failed to remit excess  
16 revenues to the director of the department of revenue. Such  
17 local sales tax revenues shall be sent to the director of the  
18 department of revenue and shall be distributed annually to the  
19 schools of the county in the same manner that proceeds of all  
20 penalties, forfeitures, and fines collected for any breach of the  
21 penal laws of the state are distributed; and

22 (2) Shall have an election upon the question of  
23 disincorporation according to the following procedure:

24 (a) The election upon the question of disincorporation of  
25 such city, town, or village shall be held on the next general  
26 election day, as defined by section 115.121;

27 (b) The director of the department of revenue shall notify  
28 the election authorities responsible for conducting the election

1 according to the terms of section 115.125 and the county  
2 governing body in which the city, town, or village is located not  
3 later than 5:00 p.m. on the tenth Tuesday prior to the election;

4 (c) The question shall be submitted to the voters of such  
5 city, town, or village in substantially the following form:

6 The city/town/village of ..... has kept more  
7 revenue from fines, bond forfeitures, and court costs  
8 for traffic violations than is permitted by state law.

9 Shall the city/town/village of ..... be  
10 dissolved?

11 (d) Upon notification by the state auditor, the county  
12 governing body in which the city, town, or village is located  
13 shall give notice of the election for eight consecutive weeks  
14 prior to the election by publication in a newspaper of general  
15 circulation published in the city, town, or village, or if there  
16 is no such newspaper in the city, town, or village, then in the  
17 newspaper in the county published nearest the city, town, or  
18 village; and

19 (e) Upon the affirmative vote of sixty percent of those  
20 persons voting on the question, the county governing body shall  
21 disincorporate the city, town, or village.